

REMARKS

On entry of this response, claims 1-12 are pending in the instant application. Claims 1 and 6 are independent claims.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 2003/0152049 (“Turner”) in view of US 5,999,816 (“Tiedemann”). Applicants respectfully traverse the rejection.

Claim 1

Applicants respectfully submit that the combination of Turner and Tiedemann does not teach or suggest “*an EV-DO access network controller ... re-transmitting the traffic channel assignment signal to the hybrid access terminal if a response signal (L2ACK) is not transmitted thereto from the hybrid access terminal, thereby performing the hand-off,*” as recited in claim 1.

In the Office Action, the Examiner recognized that “Turner does not specifically disclose a system fro [sic] recovering an EV-DO system from hand-off fail.” (Office Action, page 4). However, the Examiner asserted that “Tiedemann, Jr. et al. discloses a system for recovery from a failed handoff.” (Office Action, page 4). Applicants respectfully disagree.

Tiedemann describes inter-system hard handoff between communication systems or inter-frequency hard handoff within a CDMA communication system. (Tiedemann, abstract). Tiedemann also describes that when a hard handoff attempt is unsuccessful, the mobile station will return to the original system with information to assist future handoff attempts. (Tiedemann, column 3, lines 19-24). Tiedemann also describes that the information consists of results of a search for one or more pilots given at offsets in a specific list provided to the mobile station by the base station or a set of offsets based upon a predetermined search algorithm. (Tiedemann, column 3, lines 45-65).

In contrast, claim 1 is directed to a multimedia mobile communication system for recovering an EV-DO system from hand-off fail. The multimedia mobile communication system includes an EV-DO access network controller that receives a route update signal from the hybrid access terminal while the multimedia service is being transmitted to the hybrid access terminal from the EV-DO access network transceiver subsystem, and transmits a traffic channel assignment signal to the hybrid access terminal in response to the route update signal. The EV-DO access network controller re-transmits the traffic channel assignment signal to the hybrid access terminal if a response signal (L2ACK) is not transmitted thereto from the hybrid access terminal, thereby performing the hand-off.

Tiedemann does not teach or suggest EV-DO system-based recovery from a failed hand-off. Tiedemann describes, at best, a mobile station-based recovery from a failed hand-off.

Furthermore, Tiedemann does not teach or suggest that the EV-DO access network controller re-transmits *“the traffic channel assignment signal to the hybrid access terminal if a response signal (L2ACK) is not transmitted thereto from the hybrid access terminal, thereby performing the hand-off,”* as recited in claim 1. In Tiedemann, when a hard handoff attempt is unsuccessful, the mobile station returns to the original system and re-attempts handoff to acquire a destination system. There is no disclosure or suggestion in Tiedemann of re-transmitting the traffic channel assignment signal from the EV-DO access network controller to the hybrid access terminal when a response signal (L2ACK) is not transmitted from the hybrid access terminal to the EV-DO access network controller. Tiedemann is silent about this feature.

The Examiner also relies on Turner, Figure 1 and paragraphs [0041]-[0043] as teaching the above feature of claim 1. (Office Action, page 4). The Examiner asserts that “since a hybrid access terminal operates in this system then inherently the networks includes all the required subsystems.” (Office Action, page 4). Applicants respectfully disagree.

In Figure 1, Turner depicts a network environment (100) in which a hybrid access terminal (102) can operate. Turner discusses that the hybrid access terminal (102) operates on IS-2000 and IS-856 networks. (Turner, paragraph [0041]).

However, Turner does not teach or suggest *“a EV-DO access network controller ... re-*

transmitting the traffic channel assignment signal to the hybrid access terminal if a response signal (L2ACK) is not transmitted thereto from the hybrid access terminal, thereby performing the hand-off,” as recited in claim 1. This feature is required for recovering an EV-DO system from hand-off fail. There is no teachings or suggestions in Turner of recovering an EV-DO system from hand-off fail. The above feature is not inherent in the Turner’s system.

In view of the arguments set forth above, Applicants respectfully submit that the combination of Turner and Tiedemann fails to teach or suggest all of the features of claim 1. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1.

Claims 2-5

Claims 2-5 depend from claim 1 and, as such, incorporate the features of claim 1. For at least the reasons set for above in connection with claim 1, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2-5.

Claim 6

Applicants respectfully submit that the combination of Turner and Tiedemann does not teach or suggest *“re-transmitting a traffic channel assignment signal from the EV-DO system to the hybrid access terminal if the response signal is not transmitted from the hybrid access terminal to the EV-DO system,”* as recited in claim 6.

As discussed above, the combination of Turner and Tiedemann fails to teach or suggest the above feature of claim 6. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 6.

Claims 7-12

Claims 7-12 depend from claim 6 and, as such, incorporate the features of claim 6. For at least the reasons set for above in connection with claim 6, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 7-12.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: April 10, 2008

Respectfully submitted,

Electronic signature: /EuiHoon Lee/
EuiHoon Lee
Registration No.: L0248
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant